

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

DAVID CODREA, OWEN MONROE, SCOTT  
HEUMAN,  
Plaintiffs-Appellants,

v.

MERRICK B. GARLAND, Attorney General,  
BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS, AND EXPLOSIVES,  
Defendants-Appellees.

No. 21-1707

**JOINT RESPONSE TO COURT'S MAY 31, 2023 ORDER**

This Court's May 31, 2023 order directed the parties to "inform this court how they believe this appeal should proceed" "[w]ithin seven days of the Supreme Court's disposition of the petition in *Garland v. Cargill*..." The parties respectfully submit this filing to inform this Court that the Supreme Court granted certiorari in *Cargill v. Garland*, No. 20-51016 (5th Cir. Jan. 6, 2023). *See* Order List, Nov. 3, 2023, *available at* [https://www.supremecourt.gov/orders/courtorders/110323zr\\_5if6.pdf](https://www.supremecourt.gov/orders/courtorders/110323zr_5if6.pdf) (granting certiorari in *Cargill*).

The parties believe that the Court should continue its stay of this matter pending the Supreme Court's disposition of *Cargill* on the merits, as whether a bump stock device is a "machinegun" within the meaning of 26 U.S.C. § 5845(b) is the central merits question in this litigation.

Respectfully submitted,

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NOVEMBER 2023

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Brad Hinshelwood  
Brad Hinshelwood